

**AGENDA**  
**TEXAS BOARD OF PROFESSIONAL ENGINEERS**  
**REGULAR QUARTERLY BOARD MEETING**  
**1917 IH35 SOUTH**  
**AUSTIN, TX 78741**  
**NOVEMBER 19, 2009 – 10:30 A.M.**

**Call to Order.** (G. Kemble Bennett, Ph.D., P.E., Presiding Officer)

1. Roll Call and Welcome Visitors.
2. Public Comment.
3. Consent Agenda **(The following items may be acted upon under Consent Agenda and are marked with an asterisk\* on the Regular Quarterly Board Meeting Agenda)**
  - February 27, 2007, Joint Advisory Committee Minutes **(See agenda item # 5)**
  - August 19, 2009, Licensing Committee Minutes **(See agenda item # 6)**
  - August 20, 2009, Policy Advisory Opinion Committee Minutes **(See agenda item #7)**
  - August 20, 2009, Regular Quarterly Board Meeting Minutes **(See agenda item #4)**
  - Administrative Reports and Status of Court Cases/Dismissed Cases **(See agenda item #16)**
  - Licensing Applications. **(See agenda item #20)**

**Discuss and Possibly Approve Board Minutes:**

4. **\*(Consent Agenda)** Discuss and possibly approve minutes of the August 20, 2009, Regular Quarterly Board Meeting.

**Discuss and Possibly Accept Committee Minutes:**

5. **\*(Consent Agenda)** February 27, 2007, Joint Advisory Committee Minutes
6. **\*(Consent Agenda)** August 19, 2009, Licensing Committee Minutes
7. **\*(Consent Agenda)** August 20, 2009, Policy Advisory Opinion Committee Minutes

**Discuss and Possibly Act on Reports:**

8. Budget Reports (Jeff Mutscher)
  - FY09 4<sup>th</sup> Quarter Budget Report
  - Annual Financial Report (AFR)
  - Section 8(b) Report
9. Board Members' Activity Reports
10. Emeritus Members' Activity Reports

**Discuss and Possibly Act on Personnel Matters:**

11. Personnel Matters—this agenda item will be considered under executive session as authorized under Government Code §551.074
  - Executive Director--Retirement Announcement
  - Executive Director Vacancy-- including but not limited to action to appoint a search committee or appoint an Executive Director

**Discuss and Possibly Act on Issues Regarding Committee Reports or Items on the Committee Agendas:**

12. Enforcement Committee Meeting (Daniel O. Wong, Ph.D., P.E.) **(See Enforcement Yellow Tab)**
  - Review, discuss, and possibly recommend rule changes to sanctions listed in §139.35, Sanction and Penalties **(See Enforcement Tab 3)**
  - Consideration and recommendations for establishing the severity of disciplinary action based on the each of the items identified in §139.35 (a) (1)-(6) (i.e., multiplier, percentage, or weighting factors). **(See Enforcement Tab 3a)**
  - Consideration of suggested sanctions for licensee specific violations (§139.35 (b)) and possibly establishing minimums for certain violations. **(See Enforcement Tab 3b)**
  - Consideration of suggested sanctions for unlicensed practice or offering of engineering services or use of engineer title in §139.35 (c) and (d). **(See Enforcement Tab 3c)**
  - Consideration of suggested sanctions for governmental entities for violations of the Act (§139.35 (e)). **(See Enforcement Tab 3d)**
13. Licensing Committee (Govind Nadkarni, P.E., Chair) **(See Licensing, Orange Tab )**
  - Applications for Licensure

14. Policy Advisory Opinion Committee Report (Gary Raba, D. Eng., P.E.) (**See Policy Advisory Opinion (PAO), Green Tab**)

- EAOR #25 - Licensure requirements for corrosion control services for water transmission and distribution pipelines. Presentation and discussion of research material gathered related to this request. Consideration for acceptance or rejection. (**See PAOC Tab 5**)
- EAOR #27 – Request for advisory opinion regarding Storm Water Pollution Prevention Plans and Erosion and Sedimentation Control Plans. Review results of stakeholder meeting and draft opinion. (**See PAOC Tab 6**)
- EAOR #28 – Preliminary Documents. Request for the Board's opinion of what constitutes an engineering preliminary document and the intended use and value of such a document to the client or entity. Consideration of written response. (**See PAOC Tab 7**)

**Discuss and Possibly Act on Reports or Items reported by Interim Executive Director:**

15. Deputy Executive Director's Report: (Lance Kinney, P.E.)

- Activity Report
- Engineering Education Task Force Report (BS+30)
- Performance Measures
- Report on Korean Delegation Visit
- Response from FEMA-Flood Elevation Certificates
- AG Opinion request by Representative Keffer regarding municipal enforcement pursuant to §1001.402
- JAC Update
- Update on TSPE vs. TBAE lawsuit
- TSPE Settlement Proposal
- Outreach Activities

**Discuss and Possibly Act on Enforcement/Disciplinary Matters:** (C.W. Clark, P.E.)

16. **\* (Consent Agenda)** Administrative Reports and Status of Court Cases/Dismissed Cases.

17. Agreed Board Orders.

1. City of Brownwood, Texas (Elvira Reyna)

18. Consent Orders.

Disciplinary Matters – Non-Practice Violations

2. Melvin Gary Glass, P.E.
3. Robert Steven Jones, P.E.
4. Keith Edward Parkan, P.E.

Disciplinary Matters – Practice Violations

5. Louis Faraklas, Jr., P.E.
6. John L. Loudermilk, P.E.

Sanctions Against Non-License Holders

7. Peter Subtelny

Firm Registrations/Sole Proprietorship Sanctions

None

Cease and Desist Order, Agreements, Injunctions/Default Judgments, Criminal convictions, and Other Items

Agreements

8. Mike Dunn, City Administrator for City of Emory

19. Status of State Office of Administrative Hearings Cases (Jeb Boyt, Esq.)

**Discuss and Possibly Act on Licensing Applications Requiring Board Ruling:** (David Howell, P.E.)

20. **\* (Consent Agenda)** Licensing Applications

Vote or Reconfirm Votes Pursuant to Board Rule §133.87:

- Approved for Licensure
- Not Approved for Licensure
- Waivers – Both
- Waivers – FE
- Approved for Exams
- Exams Not Approved

**Discuss and Possibly Act on Other Matters** (G. Kemble Bennett, Ph.D., P.E.)

21. Issues from Board members for future meetings.

22. Future TBPE meeting dates

**Adjourn.**

The Board may meet in closed session on any agenda item listed above as authorized by the Texas Open Meetings Act, Tex. Gov't. Code Ann. Chapter 551.



Individuals needing special accommodation should contact the Texas Board of Professional Engineers at (512) 440-7723, in a timely manner.